

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

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THERESA D. THOMAS, ET AL.

CIVIL ACTION NO. 65-11314

VERSUS

JUDGE ELIZABETH E. FOOTE

SCHOOL BOARD ST. MARTIN PARISH

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**FACULTY ASSIGNMENT AND QUALITY OF EDUCATION REMEDIAL  
DESEGREGATION ORDER**

**I. OVERVIEW**

In June 2021, the Court issued a 168-page opinion containing comprehensive findings that the Board had violated the Superseding Consent Order and failed to eliminate the vestiges of de jure segregation in the areas of student assignment, faculty assignment, and quality of education related to discipline and graduation pathways. Record Document 419. That opinion concluded that the Board failed to meet its consent order obligations and desegregate its school system as to student assignment, faculty assignment, and quality of education—discipline and graduation pathways. In effectuating that ruling, the Court closed Catahoula Elementary School and ordered the parties to “craft,” “devise,” and “develop” remedial measures within the parameters of the Court’s directive. *Id.* at 159–60. All “further orders of affirmative relief” were reserved until the parties presented “a new consent order.” *Id.* at 160. But the parties were unable to jointly craft a desegregation proposal. Thus, the Court was tasked with fashioning that “affirmative relief.”

The 2016 Superseding Consent Order regarding faculty assignment required the District to show that the racial composition of a school’s faculty does not indicate that the school is intended for either Black or White students. In its June 2021 ruling, the Court found that the District has not met the desegregation goals and has failed to demonstrate good-faith compliance with the Faculty

Consent Order, specifically regarding recruitment efforts. The Court found that the District employed fewer Black teachers than in 2016, that the racially-identifiably White Catahoula and Stephensville schools still employed over 90% White faculties, and that St. Martinville and Cecilia Junior High schools also had racially identifiable faculties. The Court found that the District official “most directly tasked with [recruitment], did not know the specific goals of the [Superseding] Consent Order and did not know which schools were currently out of compliance with the goals.” The Court found that the District’s efforts to meet the Superseding Consent Order’s goals “not only failed to show a good-faith effort . . . but no real effort at all.” *Thomas v. Sch. Bd. St. Martin Par.*, 544 F. Supp. 3d 651, 701 (W.D. La. 2021).

Given the District’s failures, the Court found that Plaintiffs were entitled to further relief in the area of faculty assignment. Among other concerns, the Court found that the District could make “reasonable and practicable” policy modifications, including further action to ascertain and reduce the attrition rates of Black teachers, develop relationships with university partners, increase outreach to historically Black colleges and universities (HBCUs), add measures to increase rather than decrease teacher diversity through voluntary teacher transfers, develop strategies to better market the District’s scholarship program to students in general and Black students in particular, and assist non-certified staff in becoming certified teachers.

Concerning student discipline, the Court again found that the District failed to comply in good faith with the Superseding Consent Order and denied the District’s motion for unitary status. The Superseding Consent Order required the District to avoid excluding students from the classroom except under limited circumstances and required the District to document the use of non-punitive and preventative strategies before using exclusionary discipline. The Court found, however, that the District failed to meaningfully reduce lost days of instruction due to exclusionary

discipline; the District had a low rate of documented non-punitive behavioral supports; it lacked a system to ensure the use of non-exclusionary discipline; and the District's high rates of office referrals demonstrated its failure to implement behavioral intervention system with fidelity.

Moreover, the Court found that the District's persistent disparities in discipline of Black and White students in the District were the result of ongoing intentional racial discrimination. Among other things, the Court based this finding on expert testimony, a statistical regression analysis, teacher testimony, and the District child welfare officer's statements about Black children. The Court granted further relief and found that the measures suggested by Plaintiffs were "reasonable and practicable" means to remedy District's failures to abide by the Superseding Consent Order. The Court suggested that the District consider revising its discipline code to no longer permit exclusionary discipline for infractions unrelated to dangerous, criminal, or violent behavior, increasing racial bias and other training for faculty and staff, and implementing a more effective conflict diversion program.

Finally, regarding academic achievement, the Court found that the District failed to eliminate the vestiges of discrimination, including persistent racial disparities in the high school graduation pathways, which prepare students for either college or the workforce. Thus, the Court found that the District was not unitary with respect to graduation pathways. The Court granted further relief in that area. It found that Plaintiffs' measures—including increased staff trainings, marketing efforts, and additional mentorship programs—were "reasonable and practicable." The Court found that the District was otherwise unitary as to quality of education.

Because the parties were unable to craft a new consent order, and for the reasons outlined in the Memorandum Ruling issued simultaneously with this Order, the Court adopts the following Remedial Desegregation Order in the areas of faculty assignment and quality of education to

address the deficiencies identified in the Court’s June 2021 Memorandum Ruling. The aim of this Order is to outline the desegregation goals to be achieved and the reasonable and practicable means for achieving them.

## **II. GENERAL REQUIREMENTS**

The Board is permanently enjoined from operating a dual public school system or otherwise segregating students on the basis of race or color. The Board is further permanently enjoined from adopting any racially discriminatory regulatory policies or practices or performing any acts that are adverse to its nondiscrimination obligations under this Order and federal law. As set out more particularly in this Order, the Board shall take affirmative action to disestablish all vestiges of present or prior unconstitutional racial discrimination and to eliminate all remaining effects of that discrimination to the extent practicable. The specific steps outlined in this Order are founded in testimony at trial and designed to eliminate desegregation in faculty assignment and quality of education. However, in deciding whether vestiges of desegregation remain, the Court will look to the positive results attained. *See Green v. Cnty. Sch. Bd.*, 391 U.S. 430, 439 (1968) (“[W]hatever plan is adopted will require evaluation in practice, and the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed.”).

The Board shall take all appropriate action, consistent with its policies and procedures governing student and employee discipline and/or applicable federal law, to protect the ability of students and employees to exercise their rights under or otherwise affected by this Order. In addition, the Board will take appropriate action, consistent with its policies and procedures governing student and employee discipline and/or applicable federal law, with regard to any student or employee who interferes with the proper implementation of the desegregation obligations outlined in this Order. Such interference may consist of harassment, intimidation, threats, hostile

words or acts, or other actions prohibited by the relevant codes of conduct and/or applicable federal law intended to disrupt or otherwise adversely affect the Board's compliance with the terms of the subject orders.

## **FACULTY ASSIGNMENT**

### **I. REMEDIAL MEASURES**

The Court finds that the provisions specifically set forth below constitute the practicable steps the District shall take to meet its desegregation obligations.

#### **A. Overview**

1. The Board shall:

- a. continue the “diversity goal”<sup>1</sup> of (1) ensuring that ratios of Black-to-White faculty in each school are within the plus or minus 15% range of the Black-to-White faculty ratio by K-5, 6-8, and 9-12 grade levels in the entire school system and (2) maintaining a minimum of 10% Black faculty at each of the respective schools;
- b. hire, assign, promote, pay, demote, dismiss, and otherwise treat teachers and other faculty without regard to race, color, or national origin and otherwise implement the steps outlined below related to recruiting, hiring, and retention;
- c. assign teachers and faculty at any given school, such that the assignments do not indicate that the school is intended for one race, and encourage and offer transfers to meet the diversity goal of faculty at each of the respective schools;
- d. ensure that the Superintendent, Desegregation Compliance Officer, Human Capital Supervisor, school principals, and any recruitment representatives receive training on reducing biases that affect the recruitment, retention, and opportunities for advancement for Black teachers and satisfying the goals of this Order;<sup>2</sup> and

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<sup>1</sup> For purposes of the diversity goals, faculty is defined as teachers and shall include any instructor required to have a certificate by the State of Louisiana, including but not limited to classroom teachers, librarians, and counselors. District or school-level actions that bring a school, grade band, or the District outside the plus or minus 15% range of the Black-to-White faculty or below the minimum 10% threshold for Black faculty are considered inconsistent with and contrary to the diversity goal adopted in the Court’s desegregation orders. District or school-level actions that work toward bringing a school, grade band, or the District within the plus or minus 15% range of the Black-to-White faculty or above the minimum 10% threshold for Black faculty are considered in furtherance of the District’s obligations under the Court’s desegregation orders. District or school-level actions that maintain a school, grade band, or the District within the plus or minus 15% range of the Black-to-White faculty or above the minimum 10% threshold for Black faculty are considered consistent with the diversity goal adopted in the Court’s desegregation.

<sup>2</sup> The training on reducing biases can include, but is not limited to, the training provided by the Intercultural Development Research Association on matters of equity. In addition to receiving training on satisfying the

- e. file the required reports with the Court.

The Court finds that the Board's implementation of the measures provided below is a reasonable means to work toward the diversity goal to the extent practicable. However, failure to meet the goal alone will not prevent a finding of unitary status. *Anderson v. Sch. Bd. of Madison Cnty.*, 517 F.3d 292, 303 (5th Cir. 2008).

## **B. Recruitment**

The Administration's recruitment efforts will focus on building a diverse pool of highly qualified candidates for current vacancies and future opportunities. This plan provides the steps that can reasonably provide for consistent and rigorous recruitment of candidates.

### **1. Recruitment Roles and Responsibilities**

- a. The District shall develop pipelines that provide sourcing of candidates for regularly available subject areas and hard-to-fill areas. The District shall seek to include Black community partners (e.g., elected officials, business owners, clergy, and civil rights groups) in recruitment efforts.
- b. The District shall form a biracial<sup>3</sup> recruitment and retention advisory group with the Desegregation Compliance Officer, the Human Capital Supervisor, one to two principals, and one to two teachers. The District shall also invite Black community partners (e.g., elected officials, business owners, clergy, and civil rights groups) to serve as members of the group alongside District staff. This group shall be a collaborative entity working toward identifying issues and developing solutions related to recruitment and retention. The group shall be permitted to review annual reports, employment data, and survey results. The group may provide recommendations and proposals based on their review and may offer recommendations for sharing practices across schools to foster centralization. The District will ensure that the advisory group reflects the diversity of the District's students. To the extent possible, there will be representation from the elementary school grades, the middle school grades, and the high school grades among the principals and teachers in the group.

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goals of this Order, the Superintendent, Desegregation Compliance Officer, and Human Capital Supervisor shall receive training on the contents of the Order. Finally, training regarding the retention of Black teachers shall follow the completion of the attrition survey discussed *infra*.

<sup>3</sup> Within this order, the use of the word "biracial" means having both Black and White participants involved. The use of the term biracial is not designed to indicate the exclusion of individuals of other races who may be qualified to participate where the conditions of the prior sentence are met.

## **2. Recruitment Tools**

The Superintendent/Designee will ensure that the Human Capital Department pursues innovative and effective recruiting tools to attract qualified candidates. These tools will include advertising and college recruiting trips, as described below, but may also include the following.

- a. The District shall develop a recruitment video highlighting the benefits of working for the St. Martin Parish School Board. The video shall cover topics such as what makes the District's geographical region desirable, the successes of the school system, and the opportunities in working with a culturally rich student population. This video will be posted on the Board website, with a link embedded in posted recruitment materials.
- b. The District shall revise and publish brochures, flyers, and print ads to update language reflective of the recent successes of the system.
- c. Human Capital will share the recruiting tools and other positive resources with the District's community and business partners, university partners, educational foundations, and other persons, groups, and entities that are determined to have the ability to assist in sourcing desirable teaching candidates.

## **3. Recruiting Activities**

Certificated teachers represent the greatest number of District hires each year. The key to hiring effective certificated teachers is to advertise, interview, and hire early. The recruiting process is designed to address this. The following activities will be included in the recruiting process.

- a. The following information will be posted on the Board's website:
  - i. upcoming recruitment events;
  - ii. the characteristics of the ideal District teacher candidate;
  - iii. a copy of the District's Recruiting Plan inclusive of this Order's provisions;
  - iv. instructions on how to apply for a position;
  - v. an application form; and/or
  - vi. any other pertinent recruiting information, as necessary.
- b. Direct Communication with University Placement Offices

Human Capital will communicate directly with the placement offices at regional universities (Louisiana, Texas, Mississippi, Arkansas), which are determined to have the potential to provide qualified candidates for

employment in the District. This communication shall focus on the potential recruitment of their respective students who may be interested in teaching positions.

Such communications shall include the placement offices at the following institutions:

Grambling State University	Dillard University
Southern University at New Orleans	Southern University at Shreveport
Southern University at Baton Rouge	Xavier University of Louisiana
University of Louisiana at Lafayette	Louisiana State University
McNeese State University	Louisiana Tech University
University of Louisiana at Monroe	Northwestern State University LA
Nicholls State University	

As to the above institutions and any other regional institutions determined to have potential candidates for employment, Human Capital will make phone contact with the placement offices with the goal of recruiting individual candidates for current or future openings, developing relationships with the placement office, and creating pipelines between the institutions and the District.

#### **4. Advertisement of Vacant Teaching Positions**

The District actively recruits for positions through multiple advertising venues, which should include but may not be limited to the following:

- a. all vacancies will be posted on the Board's website until the position is filled. The posting will include, but may not be limited to job description, a close date, or initial screening deadlines;
- b. vacancies also will be advertised in print publications as appropriate. These sources include *The Teche News*;
- c. vacancies for Stephensville Elementary will be advertised in the local newspapers in St. Mary Parish;
- d. vacancies will be advertised on the website teachlouisiana.net and via a national publication (electronic or otherwise) specializing in the recruitment of minority teachers (such as the NEMNET Minority Recruitment Network (NEMNET.com) or Diversity in Ed (diversityrecruitmentpartners.com));
- e. email notice of vacancies will be sent to verified placement departments of public and private colleges and universities in the region and nationwide, with a priority focus on HBCUs. The Board shall verify the email addresses of these placement officers

to ensure that the emails reach the current education placement officer. Notices will be sent to colleges in Mississippi, Texas, and Louisiana—including, but not limited to University of Louisiana at Lafayette, Louisiana State University, McNeese State University, Dillard University, Southern University, Xavier University, and Grambling State University;

- f. email notices of vacancies will be sent to District employees, current teachers, and administrators, and with additional outreach to personnel, if possible, to encourage dissemination within professional and personal networks populated with a racially diverse array of teachers;
- g. email or communication by other means to human resource departments in neighboring school districts, as may be appropriate; and
- h. the following will also be posted on the Board's website: (a) upcoming recruitment events; (b) the characteristics of the ideal District teacher candidate; (c) a copy of the District's Recruitment Plan (inclusive of this Order's provisions); (d) instructions on how to apply for a position; (e) an application form; and (f) any other pertinent recruiting information, as necessary.

## **5. Job Fair**

Each year, to obtain access to a diverse pool of candidates, the District will conduct its own job fair and participate in university-based job fairs as described below.

### **a. District-Hosted Career Fair**

In order to effectuate the goals of this Order, the District will continue to conduct an annual “Career Fair” during the second half of March or April, depending on state testing and the date of the Teacher Job Fair hosted by the local university, the University of Louisiana at Lafayette.

### **b. Regional University Job Fairs**

The Administration will participate in university-based job fairs. The District will participate in the job fairs, if offered, at the following universities:

Grambling State University	Dillard University
Southern University at New Orleans	Southern University at Shreveport
Southern University at Baton Rouge	Xavier University of Louisiana
University of Louisiana at Lafayette	Louisiana State University
McNeese State University	Louisiana Tech University
University of Louisiana at Monroe	Northwestern State University LA

Nicholls State University

i. Scheduling Recruiting Trips to Job Fairs

In terms of newly graduated teachers, many are finishing their teacher preparation programs in May; however, it is beneficial to interview and screen in early spring. For this reason, most recruitment trips will be scheduled during February, March, and April to facilitate this process.

- a. The District will schedule recruiting trips, as finances permit, to various public and private universities in Louisiana, Mississippi, or Texas (including a priority or focus on HBCUs). The selection of universities for any given year may change due to past student participation and/or success realized.
- b. In deciding which recruiting trips to undertake, the District shall consider the following:
  - i. how to obtain access to the most candidates in the most efficient and effective venues, including consideration of the number of teaching graduates reported by the participating universities and the financial cost of the fees charged and of the travel expenses;
  - ii. how to obtain access to candidates who are qualified for hard-to-fill areas and for areas of specific current needs;
  - iii. how to obtain access to high quality and a reasonable number of candidates (considering prior experience at the venue); and
  - iv. how to access a pool of candidates that are racially diverse and that will assist the District in achieving the diversity goals per the Court's desegregation orders in the area of faculty.

ii. Pre-Recruiting Trip Activities

Whenever possible, the Human Capital Supervisor, in coordination with the Superintendent/Designee, will complete all pre-recruitment work during January and the first two

(2) weeks of February. The District shall do the following before the period of participating in recruiting trips:

- a. finalize recruitment trip details;
- b. post a list of trips on the Board's website;
- c. revise and publish recruitment brochures, flyers, and videos;
- d. revise and finalize all screening materials and data tools;
- e. share opportunities to serve as District representatives with administrators and with highly qualified current teachers who are alumni of the institutions where the District will be participating in job fairs;
- f. register administrators and hiring managers for recruitment trips;
- g. ensure that HBCUs generally and affinity and relevant student groups within HBCU and non-HBCU institutions are contacted to develop connections in advance of job fairs (examples include student groups centered around education and the teaching profession); and
- h. provide a required, comprehensive training for those serving as recruitment representatives, which shall include training on reducing biases that affect the recruitment, retention, and opportunities for advancement for Black teachers and satisfying the diversity goals of this Order.

### iii. Recruiting Trip Activities

For every job fair attended, whether in person or virtually, the District will:

- a. ensure that the job fairs are attended by a racially diverse team, including the principals with the greatest need for new teachers;
- b. request that current administrators and/or teachers participate in the HBCU job fairs for those colleges of which they are alumni and, if

available, will include at least one alumnus volunteer to participate at the respective job fair;

- c. ensure that the recruiting team adheres to the job fair interview schedule and process;
- d. ensure that recruiting team has laptops and hard copies of applications for interviewees to allow immediate access and completion of employment applications;
- e. ensure that all interested interviewees are offered an invitation to visit the District, including an on-campus interview and tour, and as may be available, a meet and greet with a diverse group of teachers, volunteers from that campus, and ensure that interested interviewees are able to schedule such appointments at job fairs;
- f. ensure that the recruiting team will have available at each job fair materials such as the recruitment video and brochures, booklets, photographs, available yearbooks, maps, etc., to inform the interviewees of the District, St. Martin Parish, and the local, regional attractions;
- g. ensure that, prior to job fairs, the District will have available electronically on its website updated information regarding the District pursuant to the terms of the Recruitment Plan, as well as electronic versions of brochures, booklets, photographs, maps, the recruitment video, and testimonials from volunteer employees as may be available;
- h. distribute the potential teachers/applicants' report for each job fair to all principals and District Central Office-level administrators; and
- i. collect all interview sheets and other documents received from qualified teachers/applicants received at each job fair, and, from such documentation, prepare a Recruiting Report including the information outlined in Section II(1).

## **6. Early Access to University Students**

- a. The District will work toward developing relationships with university contacts to gain access to qualified candidates as early as possible to facilitate active recruitment of those candidates.
- b. The District shall continue partnerships with Grambling State University, Northwestern State University of Louisiana, and Southern University in Baton Rouge, if available, that have been established via a relationship with their respective “Call Me MISTER” programs, with the goals (a) to recruit the Black students involved in those programs for teaching positions and (b) to encourage District students to apply for the program. The District shall agree to serve as placement sites for student teachers in the “Call Me MISTER” program.
- c. When a student teacher is assigned to the District and demonstrates strong teaching ability, the District shall encourage such a student teacher to apply for a teaching position. The District shall consider offering a letter of intent after completion of their practicum, especially if the student teacher’s retention would further the District’s desegregation efforts.
- d. The District shall solicit student-teacher candidates from the University of Louisiana-Lafayette and Southern University.
- e. The District shall maintain all data related to these steps for a period of at least three (3) years.

## **7. Recruitment of Certified Headstart Teachers**

To recruit local Headstart teachers for the elementary schools in the District, the District will continue to conduct annual information sessions for teachers who are certified. The District shall maintain all data related to this effort for a period of at least three (3) years.

## **8. Grow Your Own: Recruitment of Non-Certified Staff Within the District Interested in Teaching**

The Superintendent/Designee will create and implement a mentorship program for existing non-certified staff who express interest in becoming certified teachers. To accomplish this, the following steps will be taken:

- a. Each fall, the District shall survey paraprofessionals and other non-certified staff in the District to determine their interest in becoming certified teachers and, for those who are interested, to identify any obstacles frustrating their respective goals. The District will develop a program of counseling and mentorship that

will advise and assist those choosing to pursue a teaching certificate to address such barriers.

- b. Each semester, the District shall provide one session for any non-certified faculty or staff who are interested in pursuing either a teaching-related degree or teacher certification for the following purpose:
  - i. provide specific information to assist such employees in beginning and achieving their goals of obtaining a teaching-related degree or full teacher certification; and
  - ii. provide technical assistance, such as providing connections to college admissions counselors and/or state certification offices, completing the necessary paperwork, and counseling.
- c. The District will continue participation in a program through REACH University, whereby para-educators can earn a degree and become certified teachers.
- d. The Superintendent/Designee will allow program participants to attend and participate in existing professional development opportunities available to District faculty.
- e. The District shall offer paraprofessionals enrolled in credential-granting programs opportunities to satisfy those credentials through the District (e.g., where appropriate, place a paraprofessional in a classroom to facilitate completion of minimum in-classroom hours).
- f. The District shall maintain all data related to these steps for at least three (3) years.

#### **9. Grow Your Own: Recruiting From Within The District And Maintaining Communication With District Graduates**

- a. The District will continue to provide a scholarship to three (3) students per year who enter into a teacher preparation program. To promote the District's efforts toward increasing the faculty diversity provided in the desegregation case, the District shall affirmatively contact and recruit Black students to apply. If the District does not offer all scholarships for any given reason, they must explain why in the annual Recruiting Report.

- b. The District shall advertise the scholarship via in-school announcements, flyers, J-Calls, social media, and during parent-teacher meetings and academic conferences. The District shall ensure that guidance counselors have the necessary information to recruit students for the scholarship.
- c. The District recognizes the current trend that District graduates will be more likely to return home to teach than those not from the local area. The District shall take steps toward identifying middle/junior high and high school students for their potential to enter the teaching profession. The District shall provide students, especially Black students, with opportunities, such as curriculum offering course work required to be a teacher (including, where possible, high school dual enrollment courses), mentorships with teachers in the District, and additional, focused support for applying to university educational programs.
- d. The District shall encourage 12th graders at their Senior meetings to consider teaching and to return to St. Martin Parish for their teaching careers. Human Capital, in coordination with the Superintendent/Designee, shall meet with students who express an interest in teaching prior to the student's graduation and, in this meeting, inform the student and their parents about the types of employment opportunities for teachers and administrators commonly available in the District and the process for keeping in touch for future employment opportunities when they graduate. Guidance counselors shall also be instructed to advertise to recruit Black students for the scholarship.
- e. The District will maintain contact with District graduates who are in teacher preparation programs or are likely candidates to enter the teaching profession.
  - i. The District shall ensure these students are encouraged to stay in touch with Human Capital personnel and shall ensure students, especially Black students, are provided with recruiting packets, which will include contact information. The District shall seek names and contact information for graduating students who are planning on entering teacher education programs.
  - ii. The District shall take steps to continue communications with graduating students who indicate they are going into a teacher education program at least once a year and

provide those students with District updates and recruitment information

- f. The District shall maintain all data related to these steps for a period of at least three (3) years.

## **10. Other Forms of Recruitment**

- a. Recruiting Services – The District will, when possible and financially practical, utilize the services of independent recruiting companies in Louisiana and/or other states as a source for locating teachers for both general areas and hard-to-fill.
- b. Other Human Resources Departments - Human Capital will nurture relationships with other Louisiana public school human resource departments, educational recruiters, and directors as these connections may yield information about qualified and experienced teachers who are seeking to live closer to home, desire a change of teaching assignment, or seek to work in a diverse district such as St. Martin Parish.
- c. The District shall maintain all data related to these steps for a period of at least three (3) years.

## **11. Data Analysis and District Evaluation**

- a. The District shall gather data during each recruiting trip and prepare a report as described in Section II(1).
- b. The District shall, at the conclusion of the recruitment season, review the data and collate it into a chart that synthesizes the results of each trip into a trip report, developing an analysis of the overall effectiveness of the Recruitment Plan and timeline as well as an individualized analysis of each recruitment trip, advertising method, and other recruiting tools. The participating administrators will provide a written assessment of the value of a particular activity in attaining the goal of accessing qualified teachers in reasonable numbers to make the trip an asset to the recruiting process. This shall be shared with the Plaintiffs as part of the District's reporting, *infra* Section II.
- c. Central Office Administrators shall review the Recruitment Reports and other related data within a reasonable period after the report is finalized for the recruitment season(s) and periodically make suggestions to relevant staff for revisions in the District's recruiting approach, as necessary. In addition, the District will

gather feedback from all principals and other involved administrators regarding any proposed revisions to the Plan.

- d. Plaintiffs may also offer suggestions and feedback based on the District's evaluation, reporting, and assessments.
- e. Either party may submit proposed suggestions and feedback to the Court to seek a revision to the recruiting portions of this Order, as appropriate.

### **C. Hiring Process**

The Human Capital Supervisor shall be responsible for directing and monitoring the implementation of this Order. The Human Capital Supervisor shall maintain the potential teachers/applicants' files for consideration upon vacancies for which they are respectively qualified.

#### **1. Unsolicited Inquiries/Applications**

If an unsolicited inquiry/application is received for general consideration rather than specific positions, that inquiry/application will be forwarded by the recipient (principal, etc.) to the Department of Human Capital to be pre-screened and maintained for consideration upon vacancies for which the applicant is qualified.

#### **2. Solicitation Upon Vacancies**

When a particular vacancy is noticed, the District shall abide by the Court's Order regarding transfers outlined below in Section I(E). The Human Capital Supervisor will ensure that the District first requests and considers internal voluntary transfers in the event such a transfer may assist in furthering the District's ability to comply with the Court's desegregation orders in the area of faculty for the schools involved in the transfer. Further, before approving any teacher transfer request regarding a vacancy, the District shall examine whether the transfer request adversely affects the District's adherence to the faculty diversity goals. Specifically, unless there is some extraordinary reason, the District shall avoid granting any transfer requests where a school on either side of the transfer will become racially identifiable within the definition of this Order and where a transfer request will exacerbate any preexisting racial identifiability of a school within the definition of this Order.<sup>4</sup> If an extraordinary reason exists and the District grants a transfer request that is inconsistent with the District's desegregation efforts in the area of faculty assignment, the District shall provide written justification as outlined below in Section E. Otherwise, the following process shall apply when a vacancy exists:

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<sup>4</sup> An extraordinary reason is not one that is typical or normal. For example, an extraordinary reason may include specific certifications for a vacancy that cannot be met with other instructors or a teacher's need to be in proximity to a child with special needs, or a teacher's need to work in the same attendance zone as his/her child who is in the St. Martin Parish school system.

a. Principal

As soon as possible after learning of a vacancy or an impending vacancy, the principal will provide notice to the Human Capital Supervisor and Superintendent/Designee of the position and anticipated vacancy date.

b. Human Capital Supervisor

Upon receiving notice of a vacancy or an impending vacancy, the Human Capital Supervisor will ensure that the notices and other communications as required by the Recruiting Plan are accomplished.

**3. Pre-Screening**

- a. Principal - The District shall ensure that principals refer all applicant inquiries to the Human Capital Supervisor and ensure that all applications are processed through the Human Capital Supervisor before consideration
- b. Human Capital Supervisor – The Human Capital Supervisory will ensure that all applications for teaching positions are handled according to the following:
  - i. Provide notice to all principals that applications must be provided to the HR Department before consideration by a principal.
  - ii. Receive all applications in response to particular vacancy notices and those received as a result of job fairs and unsolicited inquiries.
  - iii. Forward materials to principals as follows:
    - a. When vacancies occur, the Human Capital Supervisor shall forward materials for qualified applicants to open positions to principals and shall forward materials for all qualified Black applicants, regardless of whether the applicant specified the particular school or position.
    - b. In the event there are no vacancies, the Human Capital Supervisor shall notify the District staff/administrator who recruited the qualified applicant and shall ensure the District staff/administrator contacts the applicant by phone and ascertains from the applicant whether

the application is to be maintained for consideration upon a vacancy.

- c. The Human Capital Supervisor will work with the Superintendent/Designee to ensure that diversity goals at the particular school with the vacancy are considered when forwarding applications and that all qualified applicants will be provided to the principal for consideration, regardless of race.
- d. Until such time that the District is declared unitary in faculty assignment, the Human Capital Supervisor and Superintendent/Designee will ensure that every practicable effort is taken to fill a teaching vacancy in furtherance of the District's obligations to comply with the Court's desegregation goals regarding the schools for which such goals apply.
- iv. Maintain, for a minimum of three (3) years, a record of all vacancies, a list of all applications received for each vacancy by race, and a list of the applications sent to the principal by race.

#### **4. Interviews**

Upon receipt of the application packets of all qualified teachers for the vacant position, the principal with the vacancy will ensure the following procedure is followed:

- a. review the qualifications and experience to determine which applicants are the best qualified for the particular position;
- b. contact each applicant determined to be among the best qualified for the particular position to verify availability and interest;
- c. extend an interview invitation to each available and interested applicant who is best qualified; and
- d. conduct interviews of each available and interested applicant who is best qualified, utilizing the District's interview rubric in accordance with the following:
  - i. For every vacancy, appoint and utilize an interview committee of two (2) White members and (2) Black members, which shall consist of the principal and three (3) of the following: the school's assistant principal, curriculum coordinator, and/or lead

teacher for the department or grade for the open position; and/or, if such persons are not available from the school at which the position is open, administrators, Directors, or teachers from other schools or the central office; and

- ii. ensure that the committee interviews all qualified Black applicants and any White applicants determined to be one of the best qualified applicants.

## **5. Post-Interview Recommendations**

- a. Principal: Once the interviews of all applicants determined to be available and interested in the position have been conducted, the principal will complete the following:

- i. determine the most qualified applicant;
  - ii. submit to the Human Capital Supervisor for review a recommendation that (i) is in writing; (ii) includes the specific reasons why the recommended applicant was determined to be the most qualified and, if applicable, why a selection was made that is inconsistent with the District's efforts to comply with the Court's desegregation orders; and (iii) includes verification that the proper employment procedure was followed; and
  - iii. provide any other information requested by the Human Capital Supervisor and/or the Superintendent/Designee.

- b. Human Capital Supervisor: Upon submission of the principal's recommendations, the Human Capital Supervisor will complete the following:

- i. Review the principal's recommendation to verify that (i) all steps of the employment process have occurred and (ii) the documentation supports the recommendation;
  - ii. request further information from the principal, if necessary, to verify either the process or recommendation; and
  - iii. forward the verified recommendation to the Superintendent with all related documentation.

## **6. Action on Recommendation**

- a. Superintendent: Upon receipt and review of the verified recommendation, the Superintendent can either:

- i. approve the recommendation and ensure proper notice to the principal and applicant that the applicant is hired as a teacher in the District; or
- ii. deny the recommendation and ensure proper notice to the principal that they may submit their second recommendation, resulting from the process set forth above.

If the Superintendent denies the recommendation of a Black applicant, then the Superintendent must provide a reason for such denial to the principal. The documentation of the Superintendent's reason for the denial of such recommendation shall be retained for three (3) years.

#### **D. Retention**

1. The District shall conduct an anonymous survey of Black teachers to collect information on possible causes of attrition among Black educators in the District and to ascertain Black educators' views and experiences regarding their work environment and the racial climate (i.e., serving as a Black educator) in the District and schools. The District shall examine the survey results and share them with Plaintiffs' counsel. Within 60 days of completing the survey, the parties shall confer to discuss potential interventions and responses to address stated concerns that contribute to attrition among Black teachers with the goal of developing interventions aimed at improving the retention of Black teachers. Twice a year, all District personnel engaged in recruitment, hiring, and retention shall undergo at least one hour of appropriate training, which shall be designed to instruct personnel on best practices for creating and maintaining a work environment that supports and retains Black teachers. The District shall review and consult the survey results to inform the specific participants and training topics.
2. The District shall develop a process for semiannual self-assessments, whereby the District monitors attrition data and factors that may have emerged from the teacher survey in an effort to identify sources of Black teacher attrition. The District shall implement steps designed to increase Black teacher retention that include but are not limited to establishing a program where volunteer teachers introduce new teachers to individuals within the schools and, where possible, within the community, and gauging interest in developing a meeting space for Black teachers to engage in activities and events with one another.

3. The District shall track teacher attrition by race, school, position, number of years in the District, and any other criteria the District deems useful to identify whether and where teacher attrition rates are affecting the District's ability to comply with this Order.
4. The District shall develop a mentoring program for Black teachers in every school, through expansion of the existing Teacher Advancement Plan or otherwise, and shall alleviate the additional burden of and provide support to those serving as mentors. The mentorship should provide support in the form of pairing underrepresented junior teachers with a veteran mentor teacher, seminars, classroom assistance, coaching and feedback, reduced workloads through the onboarding period for new hires, activities for reducing social isolation, and advice on advancement.
5. The District shall conduct and review exit interviews of teachers who resign from the District for the purpose of developing additional insight into Black attrition. The interview shall solicit information on the reasons for the teacher's departure and the teacher's experiences in the District, with a particular focus on the experiences and perspectives of Black teachers; it shall occur before the termination of their employment. Human Capital shall provide such information to the Superintendent/Designee and shall maintain such records for at least three (3) years.

#### **E. Transfers**

The Board will assign teachers and will encourage and offer transfers to teachers in such a manner as to enhance the District's ability to meet the diversity goals for faculty at each of the respective schools to which the diversity goals apply.

1. As described, *supra* Section I(C)(2), when a particular vacancy is noticed, the Human Capital Supervisor and/or the Superintendent shall, except for extraordinary circumstances,<sup>5</sup> ensure that a transfer request does not make a school's faculty racially identifiable or exacerbate the racial identifiability of a school's faculty. In other words, the restriction regarding faculty transfers only applies when a school is or, through the transfer, will become racially identifiable. The Human Capital Supervisor and/or the Superintendent will ensure that the District first requests and considers internal voluntary transfers in the event such a transfer may assist in furthering the District's ability to comply with the Court's desegregation orders in

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<sup>5</sup> See *supra*, note 4.

the area of faculty for the schools involved in the transfer. Any transfer request granted that adversely affects the diversity goals shall be subject to the objection process below.

2. The Superintendent shall approve/deny all teacher transfers between schools. Within fifteen (15) days of the approval/denial, the Superintendent shall provide written justification for any transfer that is inconsistent with the District's desegregation efforts with respect to either the sending or the receiving school. Plaintiffs' counsel shall receive this reason and shall have an opportunity to file an objection with the Court within fifteen (15) days of the receipt of the Superintendent's transfer approval. The Court shall resolve any disputes that remain after receipt of Plaintiffs' objection.
3. The District shall develop and promote nonmonetary incentives, such as leadership positions, roles in extracurricular activities, professional development, etc., to encourage transfers that will further the District's compliance with the Court's desegregation orders in the area of faculty at schools with racially identifiable faculty.

## **II. REPORTS**

The District shall comply with the reporting requirements for employment-related reports as provided. Until superseded or supplemented by a subsequent order, the District shall maintain such data that is required to complete an Employment, Faculty, and Recruitment Report, as described below, for filing in this case on or before: (i) within thirty (30) days of the entry of this Order, (ii) on October 15 of each year for the annual Faculty Report and annual Employment Report; and (iii) on August 1, 2023, and by May 15 of every year thereafter, the annual Recruiting Report. The October 15th reports shall include information for the period of October 1 to September 30 of the prior year (e.g., the 2022 reports shall include data from October 1, 2021, to September 30, 2022).

1. **Recruiting Report** –An annual Recruiting Report shall be filed on August 1, 2023, and by May 15 of every year thereafter, and include the following information from each recruitment trip:
  - a. a list of the interviewees by race and major/area(s) of potential certification;
  - b. a detailed narrative signed by each recruiting team member that describes the recruiting activities that occurred during the job fair, including steps taken to promote the District to attendees, specific efforts toward attracting a diverse pool of applicants, and estimates of the number and demographics of those who attended the fair and those with whom the District personnel spoke during the fair;

- c. a list of the applicants, if any, that resulted from the job fair by race and major/ area(s) of potential certification; and
- d. an annual assessment of the extent to which the job fair efforts are furthering the District's ability to recruit more Black educators to comply with the Court's desegregation obligations in the area of faculty, and, if not, an assessment of other reasonable actions that could be taken to further achievement of the goals to the extent practicable.
- e. The District shall report whether scholarships were offered and accepted under Section I(B)(9)(a) of this Order.

**2. Faculty Report** - The Board will file an annual "Faculty Report" on or before October 15th of each year, which shall include the following:

- a. the number of faculty by race at each school;
- b. the self-assessments of progress toward achieving the goals outlined in the Court's desegregation orders in the area of faculty, including:
- c. a self-assessment prepared by the Superintendent or his/her Designee of District-wide compliance with this Order in declaration form, which shall describe, from a District-wide and/or intra-District perspective, progress in meeting the diversity goals and reasonable steps taken to comply with this Order and address the status of achieving compliance with this Order and the diversity goal;
- d. self-assessments at each school as prepared by each principal in declaration form, which shall state whether the school falls within or outside of the goals set forth in the Court's desegregation orders in the area of faculty and describe the reasonable steps taken to comply with the Teacher Employment Procedure and address the status of achieving the diversity goal;
- e. a list of all schools within the District that fall outside of the diversity goal; and
- f. a list of all teacher transfers over the course of the year and the reasons for those transfers.

**3. Employment Report** – The Board will file an annual "Employment Report" on before October 15th of each year and include the following information:

- a. a list of all vacancies for teacher positions by school and area of concentration;
- b. a copy of all published advertisements for each vacancy;
- c. a list of all applicants for each vacancy, identified by name and race;

- d. the number and race of the applicants interviewed for each vacancy, the name, position, and race of the members of the interview teams, and the qualifications and race of the person who was ultimately hired;
- e. identification of all applicants interviewed, hired, and transferred for each vacancy;
- f. documentation of all offered and encouraged intra-District transfers and assignments, identified by race, school, and the reason the transfer was accepted or denied; and
- g. a list of teachers, by race and school, who have separated from the District, for whatever reason, since November 1st of the prior school year, together with documentation of the exit interviews/information for each.

#### **4. Objections, Waivers, and Presumptions**

- a. Plaintiff Parties must submit specific written objections, if any, to the Board within forty-five (45) calendar days of receipt of each report, or such objections will be deemed waived, and only a presumption of reporting compliance for the preceding one-year reporting period will be applied.
- b. The parties will meet and confer (either via telephone, videoconference, or in person) about each objection within fourteen (14) business days of service of the objection. If the parties reach an impasse as to either (a) whether an objection has merit or (b) how to remedy any concerns raised in any objection, then any party may move the Court to resolve the dispute and/or for further relief so long as the motion is made within forty-five (45) calendar days of the meet and confer.

## **QUALITY OF EDUCATION**

### **QUALITY OF EDUCATION – DISCIPLINE**

The Court finds that the following provisions address and are designed to remedy the violations identified by the Court to the extent practicable. The steps that follow are reasonable, realistic steps that can be taken by the Board to achieve the remaining desegregation goals as identified; therefore, the Board's good-faith accomplishment of the identified steps may result in its achievement of unitary status in the area of quality of education/discipline.

#### **I. REMEDIAL MEASURES**

The Court found the following violations, in summary, relative to the finding that the Board did not achieve the desegregation goals for discipline:

1. Statistics did not show a “meaningful reduction” in the number of lost instruction days due to exclusionary disciplinary action (suspension/expulsion) and, thus, found a lack of “continuous progress” in reducing racial disparities every year.
2. “The District is not using non-punitive supports, or at least not documenting their use, prior to using exclusionary discipline” and “does not have a system in place to ensure that teachers use non-exclusionary methods of discipline.”
3. The District took no action to improve the conflict diversion program as an alternative to exclusionary discipline.<sup>6</sup>

The Court ordered the parties to “devise a detailed plan” to implement several general measures identified by Plaintiffs to remedy the stated violations, including revision of the District’s Discipline Plan to address “exclusionary discipline beyond safety-threatening offenses,” additional faculty and staff training with a qualified consultant that covers all necessary topics regarding quality of education/discipline, and engagement in “a concerted effort to successfully implement programs such as the conflict diversion program.”<sup>7</sup>

The steps that follow are reasonable, realistic steps that can be taken by the Board to enhance such efforts, and thus, the Board’s good-faith accomplishment of the identified steps may result in its achievement of unitary status in the area of quality of education/discipline.

#### **A. Discipline Policies and Procedures**

The District will work with a racially diverse committee of faculty, staff, and administrators (the “Discipline Committee”) to update the District’s Discipline Plan and Code of Conduct (the “Code of Conduct”). Committee members will be identified by the Desegregation Compliance Officer through a written application or nomination. Prior to July 31, 2023, the District shall revise its disciplinary policies, including its Discipline Plan and Code of Conduct, and submit the revised

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<sup>6</sup> Record Document 419 at 124–128.

<sup>7</sup> Record Document 419 133–134.

policies to the Plaintiff Parties for review, comment, and approval before the Superintendent submits such revised policies to the Board for approval. In revising the policies, the District shall solicit and consider input from its retained consultants, its Discipline Committee, and the Plaintiff Parties before adopting the revised Discipline Plan and Code of Conduct.

The Plaintiff Parties shall complete their review and provide input concerning the revised Discipline Plan and Code of Conduct as quickly as possible but no later than thirty (30) days after receipt of the proposed revisions. Upon receipt of consent from Plaintiff Parties to the proposed plan, the Board shall bring the plan for public comment and a Board vote as soon as practicable. In the event that the Plaintiff Parties object to the revised policies, the parties will meet and confer (either via telephone, videoconference, or in person) about each objection within fourteen (14) business days of service of the objection. In the event that the parties reach an impasse as to either (a) whether an objection has merit, or (b) how to remedy any concerns raised in an objection, then any party may move the Court to resolve the dispute so long as the motion is made within forty-five (45) calendar days of the meet and confer.

1. The District shall work with experts retained by both parties and consultants to provide guidance to school staff regarding subjective offenses, including “willful disobedience” and “disrespect to authority,” and eliminate categories of discipline that are no longer relevant or not permitted under the District’s current disciplinary policies and procedures.
2. The District shall review, modify, and/or establish and publish clear policies describing the corrective strategies that may be used within each level of disciplinary response, when they are to be used, and the procedures for documentation prior to the use of exclusionary discipline. The District shall clarify policies and procedures related to prevention strategies, delivery of behavioral supports, and alternatives to suspension. The District shall clarify policies/procedures related to repairing harm for behavioral violations.
3. The revised Discipline Plan shall also:
  - a. include a detailed and clearly defined system of graduated infractions, corrective strategies, and clearly defined consequences that minimize the number of lost days of instruction to the least amount of days possible;
  - b. objectively define behavioral infractions at every level (including whether the behavior should be handled in the classroom or through referral and the definition of habitual or repetitive misconduct);
  - c. incorporate age and developmentally appropriate tiered prevention and intervention strategies through the Discipline Plan revisions described within this Order and, more specifically, the examination of “willful disobedience” and “disrespect to authority” infractions;

- d. incorporate a continuum of alternatives to exclusionary discipline (including components of the Positive Behavior Intervention Supports (PBIS) program, Behavior Intervention Plans (BIPs)<sup>8</sup>, reflective writing assignments, conflict resolution, and restorative justice practices);
- e. specify the limited circumstances where the use of exclusionary consequences and the involvement of law enforcement is permitted;
- f. specify appropriate consequences and/or interventions for infractions related to tardiness or truancy;
- g. communicate policies on the use of exclusionary discipline in a clear manner;
- h. incorporate behavioral supports for students with multiple disciplinary referrals;
- i. incorporate protections for students with disabilities as outlined by federal and state law;
- j. include guidelines for communication with parents or guardians to address the infraction and assist with the transition back to the school and/or classroom environment;
- k. detail policies to provide suspended students with reasonable opportunities to complete regular academic work and earn grades and credit equivalent to other students, and strategies for supporting a successful re-entry into the school community following a suspension; and
- l. use terms and designations that completely align with the terms and designations used in the District's electronic student records management system.

4. The revised Discipline Plan shall provide classroom teachers with a wide variety of classroom management and corrective strategies that do not deprive students of valuable instructional time or involve removal from their home school and guidance on how to document these strategies. The strategies shall be designed to reduce the occurrence of student infractions, provide constructive feedback, teach alternative or replacement behaviors, build a classroom community based on trust and strong relationships, and motivate students to demonstrate compliance with established school expectations outlined in the Discipline Plan. Examples of corrective strategies include reflective activity, restorative circles,

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<sup>8</sup>A “Behavior Intervention Plan” or “BIP” is a plan to help the student learn or practice replacement behaviors that will reduce the problem behaviors.

parent or guardian contact, a letter of warning, a loss of privileges, in-school detention, and restorative justice practices.

5. The District shall establish behavioral support teams at each school, as appointed by the Superintendent and/or principal, to function as an early warning system for infractions such as tardiness and truancy. The behavioral support teams' goals shall include: (a) identifying underlying issues that may contribute to the infraction and (b) helping students develop a BIP as appropriate. The District shall also provide Functional Behavioral Assessments ("FBA") for students with persistent behavioral challenges who may need a more formal, longer-term intervention.
6. Each school's behavior interventionist, assistant principal, or dean of students, as assigned by the Superintendent, shall track the number of days of exclusionary discipline given to each student and shall immediately report to the District Child Welfare and Attendance Supervisor, who oversees the District's implementation of PBIS when any student accumulates five (5) total days of exclusionary discipline within a school year. The principal of the students' schools will ensure that students who receive out-of-school suspension are provided make-up work and that the students receive credit for work performed during an out-of-school suspension.
7. As detailed in the revised Code of Conduct, the use of specified non-exclusionary, corrective strategies shall be documented in the student's minor behavior logs via the District's school discipline tracking program, and these classroom management and corrective strategies shall not be counted as student disciplinary referrals.
8. The District will incorporate provisions into the Code of Conduct that reference infractions that may be appropriate for a restorative justice program, as described below.
9. The District's Discipline Plan shall apply to each District school, including the College and Career Readiness Center, to ensure consistency of disciplinary practices.

## **B. Restorative Justice Program**

The District shall develop and implement a District-wide restorative justice program (like the conflict resolution program) with the following considerations:

1. The District will conduct focus groups of students and parents and guardians of students who were eligible for, or participated in, the conflict diversion program about their experiences in the program if they chose to participate, and if they did not, the facilitators will ask questions about why they chose not

to participate.

2. The restorative justice program will be designed in collaboration with the Discipline Committee and based on the feedback and obtained by the District in the focus groups.
3. Such a restorative justice program shall include plans for community building, repairing harm for student infractions, and supporting re-entry for students who have been away from school for an extended period of time.
4. The District Administration and the Discipline Committee, via its regular examination of discipline referral data described below, will monitor the implementation of the restorative justice program.

## **C. Training**

### **1. Professional Development**

- a. As soon as practicable or within one hundred twenty (120) days of entry of this Order, the District shall provide training workshops that explicitly focus on race and ethnicity bias and limiting its impact on discretionary discipline and on restorative justice programs. The training shall be led by a consultant or organization that specializes in race and ethnicity bias training.
- b. The District shall invite the qualified consultant to observe the first training of District employees conducted by each administrator—preferably in person, but alternatively by videoconference if necessary—so that the consultant will have the opportunity to assist each administrator in appropriately delivering the training.
- c. All teachers, administrators, and other staff who deal with student discipline must continue ongoing training for a minimum of four (4) hours of discipline-related training per school year. Appropriate personnel includes all District employees responsible for classroom management and student discipline, including, but not limited to, all teachers, school-level administrators, and relevant central office staff.
- d. The Board shall conduct the first series of annual trainings on the District's new disciplinary policies within sixty (60) days after the Plaintiff Parties either consent to these new policies.
- e. The District will implement a weekly discipline review practice that seeks to determine where, during what time, in what location, and to whom discipline referrals are being issued. The District shall critically assess racial disparities. If the District identifies a pattern of referrals being issued in the same location and at the same time of day, with a

particular focus on racial disparities. If the District determines that such a pattern exists, the District shall address that pattern. It is the responsibility of the school administration to visit that classroom, to sit in, to see what is taking place, and to determine whether additional supports like coaching, demonstration, and feedback from mentors focused on implementing PBIS and reducing racial disparities in referrals for subjective offenses are appropriate.

## **2. Students and Parents**

- a. The District shall hold informational sessions annually in conjunction with beginning-of-the-school-year activities, which shall include a clear explanation of the school's system of classroom corrective strategies and consequences, the Discipline Plan and Code of Conduct, due process and appeal procedures, and discussion of the District's efforts to reduce exclusionary discipline and racial disparities in discipline referrals and consequences. During these sessions, attendees shall have an opportunity to comment on the District's Discipline Plan and receive guidance on how parents or other guardians may ask questions, receive information, submit comments to the Discipline Committee about the District's Discipline Plan, or submit general complaints about student discipline.
- b. The District will distribute the revised Discipline Plan and any explanatory materials to all students, parents and/or guardians in print and/or electronic form and post such materials on the Board's and each school's website after the Board adopts the new Discipline Plan.
- c. These informational sessions shall include a clear explanation of the school's system of data collection, data review, and self-assessment through a school improvement plan.

## **D. Complaint Process**

1. The District shall maintain its complaint process by which students and parents or other guardians can submit complaints to the District regarding the administration of student discipline. This complaint process shall include an appropriate investigation and response mechanism.
2. The Board shall clearly describe the complaint process and provide contact information for the Child Welfare and Attendance Supervisor on its main website, each school's website, in its student handbooks, and in the Discipline Plan.

## **E. Discipline Data Collection, Review, and Self-Assessment**

The District shall utilize a data collection system to facilitate the regular examination of discipline referral data in order to identify improvements and areas of concern with respect to office discipline referrals, detentions, in-school suspensions, out-of-school suspensions, expulsions, lost days of instruction, as described as follows.

1. The District shall conduct an examination of discipline referral data once during each month of the regular school year in order to identify improvements and areas of concern with respect to office discipline referrals, detentions, in-school suspensions, out-of-school suspensions, expulsions, and lost days of instruction.
2. The Board delegates responsibilities for discipline data collection and reporting to the Child Welfare and Attendance Supervisor.

## **II. REPORTS**

The District shall report semi-annually on the District's Progress in implementing the revised discipline policy as follows.

### **1. February 1st - Mid-Year Discipline Report**

- a. The District shall provide the parties with a mid-school-year discipline progress report on February 1 ("Mid-Year Discipline Report") of each year.

### **2. July 1st - End-of-Year Discipline Report**

- a. The District shall file with the Court and provide parties with an end-of-school-year Discipline Report on July 1 ("End-of-Year Discipline Report") of each year.

### **3. Contents of Discipline Reports**

- a. Each discipline report shall include the following:
  - i. A summary of all consultations the District has had with the Discipline Committee-selected consultant to address discipline, including the date of the consultation and a detailed description of the nature of the consultation.
  - ii. A list of all teachers, school-level administrators, and relevant staff who received the training described above, along with their titles, the school to which they are assigned, and the date of the training they attended.
  - iii. A written explanation of actions taken by each school in the District and by the District to address any remaining disparities in furtherance of desegregation, along with justifications for disparities the District deems impracticable for elimination.
  - iv. Both reports shall include annual calculations by race for each school and District-wide for each Grade-Band for the following:

1. Student expulsions by grade, by race, by gender, by disability status, by reason for expulsion, and by duration of expulsion.
2. Duplicated counts (all events) and unduplicated counts (number of individual students) of these disciplinary actions by school, with separate accounting of (1) alternative school referrals relating to discipline, (2) ISS, (3) OSS, (4) after-school detention, (5) referrals to the Positive Behavior Center (“PBC”), (6) corporal punishment, and (7) non-punitive behavioral supports.
3. Within Grade-Bands, the District should identify the percentage of enrolled Black and White students who received one or more office discipline referrals (“ODRs”), OSS, ISS, and the cumulative lost days of instruction by race due to exclusionary discipline.
4. Within Grade-Bands, the District should identify the average rates of Black and White students’ receipt of ODRs, OSS, and lost days of instruction.
5. Risk ratios for each category of disciplinary action enumerated in subsection (2) immediately above and comparisons of disciplinary activity within each individual school for all schools.

#### **4. Objections, Waivers, and Presumptions**

- a. Plaintiff Parties must submit specific written objections, if any, to the Board within forty-five (45) calendar days of receipt of each report, or such objections will be deemed waived, and only a presumption of reporting compliance for the preceding one-year reporting period will be applied.
- b. The parties will meet and confer (either via telephone, videoconference, or in person) about each objection within fourteen (14) business days of service of the objection. In the event that the parties reach an impasse as to either (a) whether an objection has merit or (b) how to resolve any concerns raised in any objection, then any party may move the Court to resolve the dispute and/or for further relief so long as the motion is made within forty-five (45) calendar days of the meet and confer.

## QUALITY OF EDUCATION – GRADUATION PATHWAYS

The Court has reviewed the practicability of the remedial measures requested by Plaintiffs relative to quality of education/academics – graduation pathways and finds that the following provisions address and are designed to remedy the violations identified by the Court to the extent practicable. The steps that follow are reasonable, realistic steps that can be taken by the Board to achieve the remaining desegregation goals as identified; therefore, the Board’s good-faith accomplishment of the identified steps may result in its achievement of unitary status in the area of quality of education/academics – graduation pathways.

### I. DEFINITIONS

For the purposes of the provisions below, the following definitions will apply:

**Racial Disparity** – “Racial disparity” is defined as a variance of five (5) percentage points or more between Black and White students who graduate with a TOPS University Diploma.

**Progress** – “Progress” is defined as (1) an increase in the number of Black students who select to participate in the TOPS University program and (2) a reduction of racial disparities within schools and between schools for the number of students who graduate with a TOPS University Diploma.

**TOPS University pathway** – “TOPS University” is the current Louisiana graduation pathway that provides successful students with the coursework credits necessary to apply to a 4-year college or university. In the event this program is changed by the State of Louisiana Department of Education, these provisions shall apply to the graduation pathway by whatever name that provides the credits necessary to apply to a 4-year college or university.

**Obligations** – The District’s obligation under this Plan is to take reasonable steps to increase Black student enrollment in the TOPS University pathway program each school year beginning school year 2023–2024 through 2025–2026 in order to reduce racial disparities in that graduation pathway, to the extent practicable. The assessment for unitary status shall be based upon good-faith compliance with the steps below, which constitute the practicable steps that can be taken in the attempt to achieve the goal.

**Response to Intervention (“RTI”)** – “Response to Intervention” or “RTI” is a research-based method to improve teaching and learning that relies on a tiered system of actions and interventions for students who need additional educational support to succeed in the academically rigorous courses required by the TOPS University program.

### II. REMEDIAL MEASURES

The Court found that the following violations of the Board’s obligations related to graduation pathways necessitated remedial measures:

1. Information provided to students regarding graduation pathways was “largely about the logistics of making a decision, not the implications of the decision and why students should select a TOPS pathway.”
2. “Additionally, and most importantly … [the Board] has fully failed to comply with the requirement that it take steps to reduce racial disparities in the number of students selecting the TOPS diploma pathway.”<sup>9</sup>

The Court found that “[c]urrently, students in grade 10 choose a curriculum pathway for graduation: either a course of study which will lead to a college-eligible diploma (called a “TOPS University” diploma) or a course of study which will lead to a career diploma (called a ‘Jump Start’ diploma).”<sup>10</sup> In light of these findings, the Court granted the Plaintiffs’ Motion for Further Relief, generally ordering that the Board take reasonable steps to encourage Black students to select the TOPS pathway and obtain progress in this area to the extent practicable.<sup>11</sup>

The steps that follow are specific, reasonable, and realistic steps that can be taken by the Board to encourage Black students to select the TOPS University pathway to the extent practicable. Thus, the Board’s good-faith accomplishment of the identified steps may result in its achievement of unitary status in the area of graduation pathways.

#### **A. Provision of Information to Students and Parents**

1. Within the first four (4) weeks of the beginning of school each year, the District will hold a meeting at each junior high/middle school for all students and parents and at each high school for 9th and 10th-grade and parents in the feeder schools for the respective high school for the purpose of providing information related to the available graduation pathways.
  - a. Notices of the Meetings
    - i. At least two (2) weeks prior to the meetings, the District will provide notice to students and parents of the dates, times, and locations of the meetings via (a) posting on the Board’s website, (b) posting on the junior high/middle and high school social media sites, (c) postings at the junior high/middle and high school offices and hallways, (d) J-Calls; and (e) morning announcements.
    - ii. At least one (1) week prior to the meetings, the District will provide reminder notices via (a) J-Calls, (b) written notices sent home with the students, and (c) morning announcements.
  - b. Meetings

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<sup>9</sup> Record Document 419 at 155.

<sup>10</sup> *Id.* at 135.

<sup>11</sup> *Id.* at 157–158.

- i. At the meetings, the District will present information regarding the following:
    - a. the available graduation pathways, with an emphasis on the TOPS University pathway and college degrees;
    - b. local labor market hiring and prospects post-graduation, with a college degree; and
    - c. the courses required by and activities available that will assist students in preparing for and to succeed in the TOPS University pathway.
  - ii. In addition to District personnel, each meeting will include the following, if such persons can be obtained to participate on a voluntary basis:
    - a. at least three (3) Black student volunteers and their parent(s) from the respective feeder high schools who are currently in the TOPS University pathway;
    - b. one or more college recruiters; and
    - c. one or more persons with hiring authority from a local employer who requires a college degree.
    - d. In the event a representative from each of these categories cannot be obtained, the District will document the attempts to obtain such participant(s) and the reasons why the attempts were unsuccessful.
2. Within the first four (4) weeks of the beginning of the second semester of each school year, the District will provide to each student from 6th-grade through 10th-grade information regarding the TOPS pathway, including but not necessarily limited to the following:
  - a. courses required for the TOPS University pathway;
  - b. activities available to students to prepare them for and to assist them in achieving success in the TOPS pathway;
  - c. job availability reports, as may be available from the State of Louisiana; and
  - d. district personnel who may be contacted for counseling or further information regarding pathway selection.
  - e. The District will document the provision of such information to each student and/or parent and will request parents to return a signed acknowledgment of receipt.

## **B. Implementation of Peer-to-Peer Program**

Beginning in academic school year 2023–2024, the District will implement a peer-to-peer program for the purpose of providing encouragement to junior high/middle school and 9th-grade students, especially Black students, to select the TOPS University pathway. The District will take the following steps, which will constitute proper implementation of the peer-to-peer program:

1. Within the first four (4) weeks of each school year, the principal and counselor at each high school, with the coordination and input of the Graduation Coach, will select at least five (5) Black students in the 11th or 12th grades who have been successful in the TOPS University program and offer them the opportunity to participate, on a voluntary basis, as a “TOPS Ambassador” for their respective junior high/middle school and 9th-grade class. The District is not prohibited from having TOPS Ambassadors of other races; however, the number of TOPS Ambassadors of other races at a given high school shall not exceed the number of Black TOPS Ambassadors at that high school.
2. The students who choose to participate will work under the guidance of the Graduation Coach, in coordination with the high school and junior high/middle school counselors and administration, to participate in the school meetings (as described above) and in at least four (4) additional sessions during or after the school day directly with students for the purpose of informing the students about the TOPS University program and of the activities available to assist them in succeeding in the pathway and to otherwise encourage them to select that pathway.
3. The District’s Graduation Coach will serve as the coordinator for the “TOPS Ambassadors” and will ensure that the following steps are taken:
  - a. collaborate with the junior high/middle school and high school counselors and administration to advise and assist them in the selection of the participants;
  - b. coordinate and lead an initial meeting with the participants, counselors, and administration at each high school for the purpose of providing information, instruction, and direction regarding the schedule and goals of the program;
  - c. coordinate, provide instruction and direction, and guide the peer-to-peer sessions at each junior high/middle and high school, including a training session for the TOPS Ambassadors prior to each session;
  - d. maintain a record of all meetings, including participants, agendas, hand-outs, presentations, etc.;
  - e. establish an adult mentor program and solicit teachers, staff members, and administrators to serve as adult mentors to students identified through the RTI teams that would benefit from additional relational support and positive relationships within the school;

- f. conclude the school year with a meeting with the participants, counselors, and administration at each high school and the counselors and administration at each junior high/middle school for the purpose of obtaining feedback about the peer-to-peer program and how to improve its effectiveness; and
- g. prepare an end-of-the-year report each year, including (1) the number of participating students and parents by race and school, (2) a schedule of all sessions, meetings, and other interactions during the year by school, together with the records listed in d. above, (3) a detailed summary and assessment of the end-of-the-year feedback, and (4) a breakdown of the total number of 10th-graders at each high school by race and the pathway selected by each.

## **C. Academic Assistance to Students in the TOPS University Pathway**

### **1. Tutoring**

The Board will provide “Just in Time” tutoring through the Accelerate Tutoring process to 6th through 10th-grade students who have not yet been identified for RTI but who are struggling due to academic gaps and/or who otherwise have academic needs to be addressed in order to participate in the TOPS University pathway. Teachers will identify such students who need more assistance with skills deficits or specific content prior to providing instruction on grade-level content. Any student participating in the TOPS University pathway may request or be referred to this tutoring program as well. Program participants will receive tutoring through their school’s Accelerate Tutoring block of time incorporated into the school’s master schedule.

### **2. Response to Intervention**

The District will adapt and utilize RTI to prepare and support high school students, in particular Black students, for success in the TOPS University pathway by taking the following steps:

- a. The District will establish or continue RTI teams (commonly called the School Building Level Committee or “SBLC”) at each high school consisting of the school principal or his/her designee (usually an assistant principal at the high school level), the child’s general education teachers and special education teachers (if applicable), the school-level RTI chairperson, the school counselor(s), the child’s parents or guardians, and if the child is at the end of Tier 2 and entering Tier 3 of the RTI process, a member of the Pupil Appraisal staff will attend if the child is not successfully responding to interventions and may be headed towards a 504 or 1508 evaluation.
- b. Each RTI team will continue to take the following steps:
  - i. Conduct monthly SBLC meetings to review data and student progress on students in the RTI process. The meetings include a review of current students’ attendance, academic work, and progress

monitoring data to determine if students are responding to the interventions in place. The meetings will also be used to discuss potential student candidates for RTI and/or “Just in Time” tutoring and will include an examination of patterns and trend data for all students to determine if there are areas where classroom or grade-level actions would increase the number of students prepared for the TOPS University pathway or succeeding in the TOPS University pathway.

- ii. Document students’ progress or lack of progress on SBLC forms during monthly meetings, which documentation will include a monthly log of the assistance provided to students and the student’s progression through the Tiers.
- iii. Submit quarterly logs to the District RTI Chairperson, Middle School Special Education Supervisor, and the Director of Curriculum and Instruction, which personnel will review and address any irregularities in the data or issues of noncompliance.
- iv. Prepare an end-of-year report that includes (a) the number of students, by race, monitored; (b) the number of students, by race, where an action or intervention was taken to support the student; (c) the number of students, by race, with improved outcomes among those who were monitored and/or provided RTI intervention, (d) the grade point average (“GPA”) by race and grade for students in the TOPS University pathway, and (e) course failure data by race for 9th-grade students in each high school.

#### **D. Training**

The District shall provide training to teachers and school staff on how to promote student participation in and success with the TOPS University pathway. This training shall include developing supportive classroom environments that will prepare students to succeed in advanced courses and retain Black students on the TOPS pathway. Any training provided shall be provided to Plaintiffs’ counsel for review and comment at least sixty (60) days before implementation.

### **III. REPORTS**

#### **1. July 1st Report**

The District will file a report with the Court on or before July 1st of each year, which includes the following information:

- a. a report providing the number by race of 10th-grade students at each high school who selected the TOPS University pathway and the Jumpstart pathway for the next school year;
- b. a report providing the number by race and grade of 11th and 12th-grade students at each high school who were actively enrolled in the TOPS University pathway and the Jumpstart pathway the prior school year;
- c. a copy of the end-of-year report by the Graduation Coach regarding the peer-to-peer program and parental outreach events for the prior year; and
- d. a copy of the end-of-year RTI team report for each high school for the prior year.

## **2. Objections, Waivers, and Presumptions**

- a. Plaintiff Parties must submit specific written objections, if any, to the Board within forty-five (45) calendar days of receipt of each report, or such objections will be deemed waived, and only a presumption of reporting compliance for the preceding one-year reporting period will be applied.
- b. The parties will meet and confer (either via telephone, videoconference, or in person) about each objection within fourteen (14) business days of service of the objection. In the event that the parties reach an impasse as to either (a) whether an objection has merit or (b) how to resolve any concerns raised in any objection, then any party may move the Court to resolve the dispute and/or for further relief so long as the motion is made within forty-five (45) calendar days of the meet and confer.

### **COMPLIANCE & TERMINATION**

The Court finds that the Board's full compliance in good faith with each of the steps as set forth with particularity above will constitute reasonable and practicable steps that can be taken in order to address the identified violations and, thus, eliminate, to the extent practicable, any vestiges of the prior de jure segregation that may exist in the area of graduation pathways. Ninety (90) days after the filing of the July 1, 2026, end-of-year reports, the Board may move for unitary status in any area(s). In the event the Board files a motion for unitary status, either Plaintiff Party may file an opposition and/or a motion for further relief. The applicable provisions of the Federal Rules of Civil Procedure and the Local Rules of this Court will apply to any such motion.

The Court holds that this Order "will require evaluation in practice," and the Court will "retain jurisdiction until it is clear that state-imposed segregation has been completely removed." *Green*, 391 U.S. at 440. The specific steps outlined in this Order are founded in testimony at trial and designed to eliminate desegregation in the areas that remain under court supervision. However, in deciding whether vestiges of desegregation remain, the Court will look to the positive results attained. *See id.* Thus, this Court shall retain jurisdiction for purposes of monitoring and enforcing compliance with the terms of this Order until such time that the District satisfies the requisite burden of proving that the District has achieved unitary status in the areas of faculty assignment, student discipline, and/or graduation pathways, *Missouri v. Jenkins*, 515 U.S. 70, 89 (1995), and the Court terminates all injunctions in the relevant area(s).

**THUS DONE AND SIGNED** this 25th day of May, 2023.

ELIZABETH ERNY FOOTE  
UNITED STATES DISTRICT JUDGE